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TRANSMITTAL FORM

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Total Number of Pages in This Submission

5

Application Number

10/789,961

Filing Date

February 27, 2004

First Named Inventor

Stephen D. Newman

Art Unit

3728

Examiner Name

BUI, Luan Kim

Attorney Docket Number

40302-0013

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Rader, Fishman & Grauer PLLC

Signature

Printed name

Bryan G. Pratt

Date

October 12, 2005

Reg. No.

48,873

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Rebecca R. Schow

Date

October 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of
Stephen D. Newman

Group Art Unit: 3728

Application No.: 10/789,961

Examiner: BUI, Luan Kim

Filed: February 27, 2004

For: Packaging for Disposable Soft
Contact Lenses

PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM
FOR PRIORITY UNDER 37 C.F.R. 1.55(c)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Based on a review of the image file wrapper (IWF) maintained by the U.S. Patent Office, it appears that a proper claim for foreign priority may not have been timely filed in the above-identified application and the undersigned hereby petitions the United States Patent and Trademark Office to accept the unintentionally delayed claim for priority, if necessary.


The undersigned is newly-designated counsel in this application and is in the process of reviewing all prosecution handled by the prior counsel of record. In reviewing the IWF, it appears that the first claim to priority of Australian patent application number AU2001PR0007086 (the "Australian application") was unintentionally delayed until July 30, 2004, approximately 5 months after the filing date of the present application (filed Feb. 27, 2004). Due to the unintentional delay, the claim for foreign priority missed the four (4) month deadline required under 37 C.F.R. 1.55(a) by approximately one month.

The entire delay between the date the claim was due under 37 C.F.R. 1.55 paragraph (a)(1) and the date the claim was filed was entirely unintentional on the part of the Applicant. Applicant's intent to claim priority to the Australian application is evidenced by the reference in the parent PCT application (PCT/AU02/01105) to the Australian application. This reference is perhaps enough, by itself, to have timely invoked the claim to priority to the Australian application in the present application. But if not, Applicant hereby petitions for entry of the unintentionally delayed claim. Pursuant to 37 C.F.R. 1.55 paragraph (c)(1), the claim to the prior foreign application is not submitted herewith, as it was previously submitted on July 30, 2004 and subsequently acknowledged by the USPTO.

If necessary, please charge our Deposit Account No. 18-0013 in the amount of \$1,370.00 covering the fee set forth in 37 CFR 1.17(t). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-0013, under Order No. 40302-0013. A duplicate copy of this paper is enclosed.

Respectfully submitted,

DATE: 12 October 2005


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CERTIFICATE OF MAILING

DATE OF DEPOSIT: October 12, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated above in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Rebecca R. Schow